

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 16, 2023**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

OPINIONS

[2023 CO 52](#)

Supreme Court Case No. 23SC61
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 22CA1803
District Court, City and County of Denver, Case No. 22CV31807
Honorable Shelley I. Gilman, Judge

Petitioner:

Colorado State Board of Education,

v.

Respondents:

Adams County School District 14 and Board of Education of Adams County School
District 14.

Judgment Affirmed
en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 53](#)

Supreme Court Case No. 23SA12
Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case No. 21CR20001
Honorable Martin F. Egelhoff, Judge

In Re
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Gavin Seymour.

Rule Discharged
en banc

JUSTICE HOOD delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT**, **JUSTICE GABRIEL**, and **JUSTICE HART** joined.
JUSTICE BERKENKOTTER concurred in the judgment.
JUSTICE MÁRQUEZ, joined by **JUSTICE SAMOUR**, dissented.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 54](#)

Supreme Court Case No. 22SC242
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA1445

Petitioner:

Weld County Colorado Board of County Commissioners,

v.

Respondents:

Jill Hunsaker Ryan, in her official capacity as the Executive Director of the Department of Public Health and Environment for the State of Colorado; Colorado Department of Public Health and Environment; and Colorado Air Quality Control Commission, an agency of the State of Colorado.

Judgment Affirmed
en banc

JUSTICE HART delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT**, **JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, **JUSTICE GABRIEL**, **JUSTICE SAMOUR**, and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, OCTOBER 16, 2023

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC70, Court of Appeals Case No. 22CA204

Petitioner:

Kristy Archuleta, in her official capacity as the Clerk and Recorder of Archuleta County,
v.

Respondent:

Matt Roane.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the lower courts committed reversible error by allowing a party, who is litigating a civil action against a public entity, to use an open records request to obtain documents relevant to the pending litigation, instead of complying with the rules of discovery as set forth in the Colorado Rules of Civil Procedure.

No. 23SC197, Court of Appeals Case No. 19CA175

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Pete Paul Martinez.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether testimony that otherwise meets the requirements of CRE 702 and *People v. Shreck*, 22 P.3d 68 (Colo. 2001), is rendered inadmissible because the witness was not formally offered and accepted as an expert during their testimony.

[REFRAMED] Whether it is plain error to admit expert testimony without a formal offer and acceptance when the record demonstrates the requirements of CRE 702 and *People v. Shreck*, 22 P.3d 60 (Colo. 2001), have been met.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, OCTOBER 16, 2023*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC83, Court of Appeals Case Nos. 20CA2132 & 2021CA135

Petitioners:

Rudolph Fontanari, Jr.; Ethel C. Fontanari; and Rudolph Fontanari, Jr.; and Ethel Carol Fontanari Revocable Trust,

v.

Respondent:

Ute Water Conservancy District.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRRIGHT would grant as to the following issue:

Whether Colorado law permits an easement holder to (1) unilaterally relocate an easement before any determination of unreasonable interference has been made and because the burdened estate refuses to settle and (2) seek, as damages against the burdened estate holder, the costs incurred to do so.

No. 23SC158, Court of Appeals Case No. 22CA160

Petitioner:

Allexander George Topakas,

v.

Respondent:

Wintermoor Townhouses Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC247, Court of Appeals Case No. 20CA125

Petitioner:

Misty Jean Hahn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, OCTOBER 16, 2023*

No. 23SC294, Court of Appeals Case No. 18CA1580

Petitioner:

Glen Law Galloway,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC693, Court of Appeals Case No. 21CA1559

Petitioner:

V.M.G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

N.A.G. and V.G.,

and Concerning

M.G.

Petition for Writ of Certiorari DENIED. EN BANC.
